

## REMARKS/ARGUMENTS

### *Amendments in General*

1. Applicant respectfully thanks the Examiner for allowing claims 1-6 and 8.
2. Claim 7 has been amended to distinctly point out and claim the subject matter that the Applicant claims as a part of the invention. Specifically claim 7 has been amended to designate that the invention is a frustoconically shaped piece having a larger dimensioned end that is held in a fixed position over a rotating grinding chamber and a second end that extends into the rotating grinding chamber.
3. This amendment adds no new matter to the application and applicant respectfully requests acceptance of the same.
4. Applicant also respectfully submits that these amendments overcome the Examiner's rejection under 35 USC§112 second paragraph.

### *Claim Rejections - 35 USC §102*

5. The Examiner rejected claim 7 under §102(b) as being anticipated by Pearce, Tamura et al or Bladykas.
6. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d. 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226,1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.
8. Claim 7 has been amended to include the limitations of the loading device being configured for use with a grinder having a circumvolvingly rotating sidewall and that the loading device is configured not to move when the rotating side walls of the grinding chambers move.
9. None of the devices shown in the Pearce, Tamura et al. or Bladykas inventions contain this feature.
10. The loading portions of each of these devices are connected to the sidewalls of the respective grinding chambers in a relatively fixed position. In these embodiments, in as much as the sidewalls of the grinding chambers do not move, the loading portions of these devices do not move either. However, if the walls of the grinding chambers of these devices were to move, the loading portions of these devices would also move.

11. The present invention as described in claim 7 distinctly claims the feature of the device being configured to be held in a non-rotating position when the sidewalls of the grinding chamber rotate. In as much as the cited prior art fails to include this feature, the present invention is not anticipated by these prior art references.

12. In as much as none of the prior art references cited by the Examiner contain all of the features of the claim as presently amended, the Applicant respectfully submits that claim 7 is not anticipated by the prior art and respectfully requests the withdrawal of the rejection of claim 7.

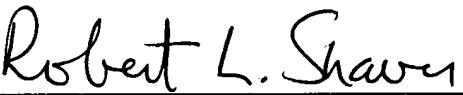
***Conclusion***

Reconsideration and allowance of the application as amended is respectfully requested.

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

DATED this 24<sup>th</sup> day of July 2003

Very respectfully,

  
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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service on the below date as first class mail in an envelope addressed to:

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DATE: July 24, 2003

Shannon M. Wilson

